

Bill No. SB 1846

Barcode 793868    Comm: RCS    03/29/2006 08:51 PM

587-1989-06

Proposed Committee Substitute by the Committee on Health Care

1                            A bill to be entitled

2            An act relating to hospitals; amending s.

3            395.003, F.S.; prohibiting licensing of

4            additional emergency departments located off

5            the premises of licensed hospitals until the

6            Agency for Health Care Administration adopts

7            rules; amending s. 395.1055, F.S.; requiring

8            the agency to adopt rules by a specified date

9            to establish licensure standards for emergency

10           departments located off the premises of a

11           licensed hospital; requiring the rules to

12           address certain topics; amending s. 400.9905,

13           F.S.; exempting certain entities that provide

14           specified services in facilities licensed under

15           ch. 395, F.S., from requirements to be licensed

16           as a health care clinic; providing an effective

17           date.

18

19 Be It Enacted by the Legislature of the State of Florida:

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21            Section 1. Subsection (1) of section 395.003, Florida

22            Statutes, is amended to read:

23            395.003 Licensure; issuance, renewal, denial,

24            modification, suspension, and revocation.--

25            (1)(a) A person may not establish, conduct, or

26            maintain a hospital, ambulatory surgical center, or mobile

27            surgical facility in this state without first obtaining a

28            license under this part.

29            (b)1. It is unlawful for a person to use or advertise

30            to the public, in any way or by any medium whatsoever, any

31            facility as a "hospital," "ambulatory surgical center," or

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1 "mobile surgical facility" unless such facility has first  
2 secured a license under the provisions of this part.

3         2. This part does not apply to veterinary hospitals or  
4 to commercial business establishments using the word  
5 "hospital," "ambulatory surgical center," or "mobile surgical  
6 facility" as a part of a trade name if no treatment of human  
7 beings is performed on the premises of such establishments.

8         3. ~~Until July 1, 2006,~~ Additional emergency  
9 departments located off the premises of licensed hospitals may  
10 not be authorized by the agency until the agency has adopted  
11 rules required under s. 395.1055(9).

12         Section 2. Subsection (9) is added to section  
13 395.1055, Florida Statutes, to read:

14         395.1055 Rules and enforcement.--

15         (9) The agency shall adopt rules no later than January  
16 1, 2007, which establish licensure standards for emergency  
17 departments located off the premises of a licensed hospital.  
18 The rules must:

19         (a) Include minimum criteria for patient care and  
20 safety, quality improvement, infection control, building  
21 design and construction, and location.

22         (b) Require the hospital to maintain an emergency  
23 department on its premises which is licensed and operated in  
24 accordance with agency rules.

25         (c) Specify that an emergency department located off  
26 the premises of a licensed hospital which was authorized prior  
27 to the adoption of rules shall continue to operate in  
28 accordance with the licensure criteria under which it was  
29 originally authorized.

30         Section 3. Subsection (4) of section 400.9905, Florida  
31 Statutes, is amended to read:

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1           400.9905 Definitions.--

2           (4) "Clinic" means an entity at which health care  
3 services are provided to individuals and which tenders charges  
4 for reimbursement for such services, including a mobile clinic  
5 and a portable equipment provider. For purposes of this part,  
6 the term does not include and the licensure requirements of  
7 this part do not apply to:

8           (a) Entities licensed or registered by the state under  
9 chapter 395; or entities licensed or registered by the state  
10 and providing only health care services within the scope of  
11 services authorized under their respective licenses granted  
12 under ss. 383.30-383.335, chapter 390, chapter 394, chapter  
13 397, this chapter except part XIII, chapter 463, chapter 465,  
14 chapter 466, chapter 478, part I of chapter 483, chapter 484,  
15 or chapter 651; end-stage renal disease providers authorized  
16 under 42 C.F.R. part 405, subpart U; or providers certified  
17 under 42 C.F.R. part 485, subpart B or subpart H; ~~or~~ any  
18 entity that provides neonatal or pediatric hospital-based  
19 health care services by licensed practitioners solely within a  
20 hospital licensed under chapter 395; or any entity that  
21 provides licensed practitioners to staff emergency departments  
22 or deliver anesthesia services to facilities licensed under  
23 chapter 395.

24           (b) Entities that own, directly or indirectly,  
25 entities licensed or registered by the state pursuant to  
26 chapter 395; or entities that own, directly or indirectly,  
27 entities licensed or registered by the state and providing  
28 only health care services within the scope of services  
29 authorized pursuant to their respective licenses granted under  
30 ss. 383.30-383.335, chapter 390, chapter 394, chapter 397,  
31 this chapter except part XIII, chapter 463, chapter 465,

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1 chapter 466, chapter 478, part I of chapter 483, chapter 484,  
2 chapter 651; end-stage renal disease providers authorized  
3 under 42 C.F.R. part 405, subpart U; or providers certified  
4 under 42 C.F.R. part 485, subpart B or subpart H; ~~or~~ any  
5 entity that provides neonatal or pediatric hospital-based  
6 health care services by licensed practitioners solely within a  
7 hospital licensed under chapter 395; or any entity that  
8 provides licensed practitioners to staff emergency departments  
9 or deliver anesthesia services to facilities licensed under  
10 chapter 395.

11 (c) Entities that are owned, directly or indirectly,  
12 by an entity licensed or registered by the state pursuant to  
13 chapter 395; or entities that are owned, directly or  
14 indirectly, by an entity licensed or registered by the state  
15 and providing only health care services within the scope of  
16 services authorized pursuant to their respective licenses  
17 granted under ss. 383.30-383.335, chapter 390, chapter 394,  
18 chapter 397, this chapter except part XIII, chapter 463,  
19 chapter 465, chapter 466, chapter 478, part I of chapter 483,  
20 chapter 484, or chapter 651; end-stage renal disease providers  
21 authorized under 42 C.F.R. part 405, subpart U; or providers  
22 certified under 42 C.F.R. part 485, subpart B or subpart H; ~~or~~  
23 any entity that provides neonatal or pediatric hospital-based  
24 health care services by licensed practitioners solely within a  
25 hospital under chapter 395; or any entity that provides  
26 licensed practitioners to staff emergency departments or  
27 deliver anesthesia services to facilities licensed under  
28 chapter 395.

29 (d) Entities that are under common ownership, directly  
30 or indirectly, with an entity licensed or registered by the  
31 state pursuant to chapter 395; or entities that are under

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1 common ownership, directly or indirectly, with an entity  
2 licensed or registered by the state and providing only health  
3 care services within the scope of services authorized pursuant  
4 to their respective licenses granted under ss. 383.30-383.335,  
5 chapter 390, chapter 394, chapter 397, this chapter except  
6 part XIII, chapter 463, chapter 465, chapter 466, chapter 478,  
7 part I of chapter 483, chapter 484, or chapter 651; end-stage  
8 renal disease providers authorized under 42 C.F.R. part 405,  
9 subpart U; or providers certified under 42 C.F.R. part 485,  
10 subpart B or subpart H; ~~or~~ any entity that provides neonatal  
11 or pediatric hospital-based health care services by licensed  
12 practitioners solely within a hospital licensed under chapter  
13 395; or any entity that provides licensed practitioners to  
14 staff emergency departments or deliver anesthesia services to  
15 facilities licensed under chapter 395.

16 (e) An entity that is exempt from federal taxation  
17 under 26 U.S.C. s. 501(c)(3) or s. 501(c)(4), any community  
18 college or university clinic, and any entity owned or operated  
19 by the federal or state government, including agencies,  
20 subdivisions, or municipalities thereof.

21 (f) A sole proprietorship, group practice,  
22 partnership, or corporation that provides health care services  
23 by physicians covered by s. 627.419, that is directly  
24 supervised by one or more of such physicians, and that is  
25 wholly owned by one or more of those physicians or by a  
26 physician and the spouse, parent, child, or sibling of that  
27 physician.

28 (g) A sole proprietorship, group practice,  
29 partnership, or corporation that provides health care services  
30 by licensed health care practitioners under chapter 457,  
31 chapter 458, chapter 459, chapter 460, chapter 461, chapter

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1 462, chapter 463, chapter 466, chapter 467, chapter 480,  
 2 chapter 484, chapter 486, chapter 490, chapter 491, or part I,  
 3 part III, part X, part XIII, or part XIV of chapter 468, or s.  
 4 464.012, which are wholly owned by one or more licensed health  
 5 care practitioners, or the licensed health care practitioners  
 6 set forth in this paragraph and the spouse, parent, child, or  
 7 sibling of a licensed health care practitioner, so long as one  
 8 of the owners who is a licensed health care practitioner is  
 9 supervising the business activities and is legally responsible  
 10 for the entity's compliance with all federal and state laws.  
 11 However, a health care practitioner may not supervise services  
 12 beyond the scope of the practitioner's license, except that,  
 13 for the purposes of this part, a clinic owned by a licensee in  
 14 s. 456.053(3)(b) that provides only services authorized  
 15 pursuant to s. 456.053(3)(b) may be supervised by a licensee  
 16 specified in s. 456.053(3)(b).

17 (h) Clinical facilities affiliated with an accredited  
 18 medical school at which training is provided for medical  
 19 students, residents, or fellows.

20 (i) Entities that provide only oncology or radiation  
 21 therapy services by physicians licensed under chapter 458 or  
 22 chapter 459.

23 (j) Clinical facilities affiliated with a college of  
 24 chiropractic accredited by the Council on Chiropractic  
 25 Education at which training is provided for chiropractic  
 26 students.

27 Section 4. This act shall take effect July 1, 2006.

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